

3. The Claimants stipulate and agree to waive any claim of *res judicata* respecting any limitation of liability/ damages issues as to Petitioners that might arise in the event of an entry of judgment in any state court or other proceeding based upon the facts of the above mentioned incident; and

4. Claimants stipulate and agree that should a judgment be obtained in any state court or other proceeding on behalf of any of the Claimants, and should this United States District Court for the Northern District of Illinois, Eastern Division determine that limitation of liability is appropriate as to Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased and Axess Holding Company, LLC, then Claimants will only seek their respective pro-rata proportional share of the limitation fund as measured by Claimant's respective allotments of any judgment obtained in the state court or other proceedings. Claimants will in no event seek any amount beyond the value of the limitation fund set forth in Judge Shadur's May 26, 2015 Order, if it is determined that Petitioners are entitled to limit liability. Nothing within this paragraph should be construed as a waiver of any of the Respondents' rights to appeal this court's final decision with respect to exoneration/limitation.

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Dated: December 1, 2015

